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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Third periodic reports of States parties due in 1992

Addendum

KINGDOM OF MOROCCO*

[20 July 1993]

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Introduction

1. In 1981, the Government of Morocco submitted its initial report (CCPR/C/10/Add.2) on the implementation of the International Covenant on Civil and Political Rights. That report set out the constitutional, legislative and regulatory provisions in force to give effect to the provisions and principles of the Covenant. In 1990, the Government submitted a second periodic report (CCPR/C/42/Add.10) summarizing developments since the submission of the initial report and clarifying how Morocco was complying with its obligations under the Covenant.

2. The present report, which has been drawn up in accordance with the Human Rights Committee's guidelines, seeks to provide the fullest possible account of developments since the submission of the second periodic report.

3. In this regard, it should be noted that the Moroccan people adopted by referendum on 4 September 1992 a revised Constitution (promulgated by Dahir No. 1-92-155 of 9 October 1992) that represents a further stage in the building of a modern country based on progress and commitment to democracy and liberalism. This Constitution reinforces the rule of law in that, in addition to the provisions safeguarding individual and collective freedoms which Morocco adopted on independence, it solemnly proclaims the country's commitment to the universally recognized human rights. It also provides for more rational power-sharing, on the basis of an increase in the Government's responsibility and strengthening of the role and authority of the Prime Minister.

4. The revised Constitution also expands parliamentary prerogatives, for, in addition to its traditional capacity to pronounce on the Government's performance through votes called at its own or the Government's initiative (motions de censure and questions de confiance respectively), the Parliament now has, by virtue of article 59, a real power of investiture of the Government. Furthermore, the House of Representatives now has greater means of control, including the possibility of establishing fact-finding committees (art. 40) and that of setting a time-limit of 20 days or less for the Government to reply to questions put to it.

5. The revised Constitution also reinforces the primacy of law by setting a time-limit of 30 days for the promulgation of new legislation and establishing a Constitutional Council, whose decisions are binding on all, to rule on the constitutionality of laws.

6. It also provides for the establishment of an Economic and Social Council having very extensive competence, since both the Government and the Parliament may consult it on economic and social issues and it may, at its own initiative, issue opinions on the general guidelines pertaining to the national economy and training.

I. INFORMATION RELATING TO ARTICLES 1 to 27 OF THE COVENANT

Article 1: Right to self-determination

7. The right of peoples to self-determination set down in paragraph 1 of this article is enshrined in the Moroccan Constitution, since articles 1, 2 and 3 of the Constitution respectively lay the foundations of the country's

political system by stating that Morocco is a constitutional, democratic and social monarchy; that national sovereignty shall be exercised directly by referendum and indirectly through the constitutional institutions; and that political parties, trade-union organizations, communal councils and professional associations shall participate in the organization and representation of citizens.

8. Moreover, Morocco, which has always had a liberal economic policy, complies with the principles laid down by the General Assembly by guaranteeing all citizens, both individually and collectively, the right to own property and the right to free enjoyment of that property. Thus, article 15 of the Constitution provides that "the right of property is guaranteed. The extent and exercise of that right may be limited by law if the requirements of the planned economic and social development of the nation so necessitate. Expropriation may only be undertaken in the cases and in the manner provided for by law".

9. Regarding the right that is the subject of paragraph 2 of this article, Morocco became, immediately after independence, one of the first countries to join the international community's efforts to promote the self-determination of peoples and their right freely to dispose of their natural wealth and resources.

10. Morocco's support for the relevant resolutions of the United Nations General Assembly, particularly resolution 1541 (XV) of 15 December 1960, 1803 (XVII) of 14 December 1962, 2625 (XXV) of 24 October 1970, 3201 of 1 May 1974 and 41/128 of 4 December 1986, proves, if proof were needed, the country's commitment to the defence of the principles of international law relating to self-determination and international cooperation in accordance with the principles of the Charter of the United Nations. It is, indeed, on those very principles that Morocco has drawn in creating over the years its bonds of friendship and cooperation with countries in all parts of the world.

11. With regard to the application of the right of self-determination within the meaning of article 1, paragraph 3 of the Covenant, Morocco reiterates its attachment to the exercise of the right to self-determination pursuant to resolution 1514 (XV) of 14 December 1960, in the drafting of which Morocco played a leading role. That attachment is all the greater for the fact that Morocco has itself endured foreign occupation.

Article 2: Implementation of the Covenant within the country

12. The Moroccan Constitution contains a number of provisions guaranteeing the rights recognized by the Covenant. They include: article 5, which states that all Moroccans are equal before the law; article 8, which provides that men and women are equal as regards the enjoyment of political rights; article 6, which provides that the State guarantees the freedom of religion; article 12, which provides that public duties and employment are open to all Moroccans and that the conditions of access to them are the same for all citizens; article 9, which states that the Constitution guarantees all citizens freedom of movement and residence, freedom of opinion and expression of all types, freedom of association and of membership of trade-union and political organizations; article 10, which safeguards the right to privacy; and article 15, which guarantees the right of property.

13. To give full effect to those rights and ensure their maximum enjoyment by citizens, the above measures are backed up by legislative and administrative provisions that have been extensively described in Morocco's earlier reports. Except as regards political activities, aliens enjoy equal rights and freedoms with nationals.

14. Since the International Covenant on Civil and Political Rights was ratified according to the procedure laid down in article 31 of the Constitution and is therefore an integral part of domestic law, both nationals and aliens, even those not resident in Morocco, may appeal to the competent judicial organs against any breach of its provisions.

15. In the same spirit, the Covenant and most of the other international conventions on human rights to which Morocco is a party are taught in the institutes and other establishments involved with human rights, including the National Institute for Judicial Studies, the Management Training School, the Royal Police Institute, the Royal Gendarmerie Schools and the Royal Gendarmerie Academy, as recommended to His Majesty the King by the Advisory Council on Human Rights in February 1991. Pursuant to the procedure for ratification, the Covenant was successively approved by the Government Council, the Council of Ministers and the House of Representatives. The full text has been published in the Official Journal.

16. In addition, Moroccan newspapers have published passages from the country's second periodic report and lengthy extracts from the summary records of its consideration. Law students may choose as the topic of their dissertation a freedom or right mentioned in an international human rights instrument.

Article 3: Equal rights for men and women

17. Morocco, a Muslim country with a centuries-old tradition and culture, has a modern legal system with its roots in Islam. Human rights are not a concept alien to Islam, for the religion deals with human beings at various stages of their life from foetus to adult, and with women as mothers, wives, daughters and human beings, placing them on an equal footing with men as regards obligations and rights:

> "O mankind! We created you from a male and a female, and divided you into nations and tribes that you might come to know one another. The oldest of you in the sight of God is he who fears Him most" (Koran, XLIX, 13).
>
> "Before the law, women are the full sisters of men" (Hadith of the Prophet).

18. Islam teaches that men and women are equal as regards civil rights, whether a women is married or not. Marriage under Islam is different from marriage in most western societies in that it does not entail for the woman the loss of her name or of her civil identity, legal capacity or right to own property. After marriage, a Muslim woman keeps her first name and family name, all her civil rights and her entire capacity to enter into obligations and contracts of whatever nature; her right to property also remains guaranteed. She also enjoys a civil identity and may have personal wealth independently of her husband; he is neither entitled to take back from his

wife anything he has offered her nor permitted to dispose of her personal property without her free and full consent. Nor may a husband administer his wife's property unless she authorizes him to do so or gives him a formal power of attorney, in which case she may revoke it and confer it upon another person of her choice.

19. In these rights, Islam makes no distinction between men and women, except when a difference is dictated by considerations pertaining to the natures of the sexes, their responsibilities in life and what is most suitable for them, or by a concern to safeguard the public interest or family or women's welfare.

20. Islam has also put men and women on an equal footing as regards the right to education and culture. It authorizes women, like men, to acquire knowledge in the fields of science, literature, culture and wisdom and even obliges women to acquire a minimum of knowledge so that they may practise their religion and discharge their responsibilities in life.

21. In the Muslim religion, there is also equality between the sexes as regards the right to work. Women are entitled to hold jobs and to do work in which they are skilled and which is not detrimental to their nature. Women's right to work is restricted only when necessary to safeguard their dignity or protect them against immorality. Islam stipulates that women shall perform their work within the framework of respect for morality and prohibits situations where women's work may entail harm to society, prevent them from fulfilling their other obligations towards their husband, children or household or require them to do more than they are capable of doing. It also makes it obligatory for working women to comply with the teachings of the Islamic Shariah as regards social behaviour.

22. Islam has done more than merely proclaim these rules and principles, since history tells us that they were strictly applied in the time of the Prophet and his caliphs, that is, during the golden age of Islam. History indeed provides hundreds of examples of irrefutable proof that the guides of that period established these principles of equality before the law as sacred. This shows that Islam has provided women in general with the conditions necessary for acquiring a thorough education, and those who have been able to take advantage of this possibility have attained positions entirely comparable to those attained by men. The reason for the ignorance prevalent among past generations of Muslim women does not lie in the Islamic educational system, but in Muslims' deviation from these precepts as regards upbringing and teaching. The fact that Muslim nations are educating women today is not a new element in their history, for those countries are merely reviving a practice followed by the Prophet and his Companions. In their time, women worked both in and outside their home and some of them became famous for their heroic participation in wars, earning titles similar to the war medals awarded in the modern age.

23. It should be noted that there is no provision in Moroccan labour law which authorizes any form of discrimination between men and women. The result is that all workers enjoy the same rights on an equal footing. This has been the basis for Morocco's ratification of ILO Conventions Nos. 100 and 111 on equal remuneration and non-discrimination in respect of employment and occupation respectively.

24. It is in the same spirit that the draft Labour Code recently laid before Parliament contains rules prohibiting all discrimination between workers on the ground of sex, in particular, that would be contrary to the principle of equality of opportunity in respect of employment and occupation. To put that equality into practice, a labour inspectorate has been established to monitor the application of the provisions of the Labour Code. Such monitoring is also among the functions of the judicial police.

25. While the equality of the sexes is, in addition, expressly proclaimed in the Constitution, it has not always been respected as regards personal status. In a speech made on 20 August 1992, His Majesty the King stressed the need to revise the Code of Personal Status and invited the various women's associations in Morocco to make written proposals to him on the matter. Addressing some 40 representatives of women's associations at a special meeting on 29 September 1992, His Majesty listed the obstacles to the enjoyment by Moroccan women of peace of mind and freedom to exercise their rights, especially the rights relating to divorce and repudiation, desertion by the husband, custody of children, alimony and liberty of movement. While denouncing such discrimination, which "is contrary to the precepts of Islam, the Hadiths and the practice of the Prophet, which teach that women are equal to men before the law", the monarch alluded in the following terms to the limits on the revision of the Code of Personal Status: "We can neither forbid what God has allowed, nor make lawful what God has proscribed". Following this meeting, the Moroccan women's organizations drew up proposals for the amendment of the Code of Personal Status that were submitted for His Majesty's consideration after study by a group of ulema. His Majesty, in his capacity as Commander of the Faithful, having studied the proposals and graciously consented to them, the Code of Personal Status will be amended accordingly.

26. In June 1993, Morocco acceded to the Convention on the Elimination of All Forms of Discrimination against Women.

Article 4: Derogations from obligations under the Covenant

27. Although the Moroccan Constitution provides, in article 35, that a state of emergency may be proclaimed only for reasons pertaining to the integrity of the national territory or jeopardizing the functioning of the constitutional institutions, no such proclamation has been issued since the entry into force of the Covenant for Morocco, and there has thus been no derogation from the obligations under the Covenant. Moreover, as the result of an addition made to the article during the constitutional revision of 4 September 1992, article 35 further provides that the proclamation of a state of emergency shall not entail the dissolution of the House of Representatives.

Article 5: Prohibition of narrow interpretation of the Covenant

28. Morocco's ratification of the International Covenant on Civil and Political Rights on 3 August 1979 was made according to the ratification procedure laid down in the Constitution and the provisions of the Covenant were therefore incorporated de facto in Moroccan domestic law. At the time of ratification, the Moroccan Government neither entered any reservation or objection nor made any statement that could be interpreted as a restriction on any provision of the articles of the Covenant.

29. It follows that, as indicated in the second periodic report (CCPR/C/42/Add.10, para. 37), all the provisions of the Covenant apply and may be invoked before the courts in Morocco.

Article 6: Right to life

30. Although the right to life is neither explicitly mentioned nor the subject of any special provision in the Moroccan Constitution, the legal rules of which a detailed list appears in the second periodic report (CCPR/C/42/Add.10, paras. 39-42) guarantee its observance and protection in accordance with the country's obligations under the Covenant.

31. As indicated in the second report (ibid., paras. 39-40), the death penalty is theoretically still in force in Morocco and may be imposed by the competent courts, in accordance with the applicable provisions, on persons convicted of extremely serious, heinous or abhorrent crimes. In practice, however, the courts, conceding mitigating circumstances, generally commute death sentences to life imprisonment. It should be noted that since Morocco became independent no woman sentenced to death has been executed. Furthermore, even a person sentenced to death is generally granted the royal pardon provided for in article 34 of the Constitution; only when that pardon has been refused may the sentence be carried out.

32. It should also be noted that Morocco is a party to the Convention on the Prevention and Punishment of the Crime of Genocide and that, as such, it spares no effort to prevent and punish all acts of collective violence capable of causing arbitrary loss of human life.

Article 7: Prohibition of torture

33. The Moroccan Constitution provides in article 10 that "No one may be arrested, detained or punished except in the cases and in the manner prescribed by law". Furthermore, the Moroccan Criminal Code contains provisions to ensure protection against torture and the punishment of those responsible for torture or like practices. Lastly, in June 1993 Morocco ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

34. The law enforcement agencies have been alerted to all aspects of the problems of physical and mental violence. Torture is expressly forbidden by law, and all public servants convicted of having employed violence are liable to criminal and administrative penalties.

35. As part of the moves to promote human rights and consolidate the rule of law, and on the proposal of the Advisory Council on Human Rights, six articles in the Code of Criminal Procedure (arts. 68, 69, 76, 82, 127 and 154) have been amended. The amendments were made by Act No. 67-90 unanimously passed by the Moroccan Parliament on 25 April 1991 and promulgated by Dahir No. 1.91.110 of 23 Jumada II 1412 (1 January 1992). Through the amendments, the articles have been altered or supplemented to read as follows:

> Art. 68: "... in cases of breach of the internal or external security of the State, the duration of police custody (garde à vue) shall be 96 hours renewable once on written authorization from the crown procurator or crown procurator-general, as appropriate."

Art. 69: "... the criminal investigation officer is required to notify the family of any person detained in police custody as soon as he decides to take the person into such custody. He shall also submit daily to the crown procurator and crown procurator-general a list of the persons placed in police custody in the course of the previous 24 hours."

Art. 76: "... in cases of discovery in flagrante delicto or where an offence is punishable by imprisonment and the offender cannot provide adequate assurances that he will appear, the crown procurator or his representative may issue a detention warrant against the accused after informing him of his right immediately to appoint a lawyer and questioning him as to his identity and the acts imputed to him. He may also order the accused's release on bail if the accused provides a financial security in an amount set by the procurator or a personal surety.

The accused's lawyer shall be entitled to be present during the preliminary interrogation.

The crown procurator must arrange for each accused person to undergo a medical examination by an approved doctor when he is requested to do so or when he finds evidence justifying such an examination."

Art. 82: "... in cases of breach of the internal or external security of the State, the duration of police custody shall be 96 hours renewable once on written authorization from the crown procurator or the crown procurator-general, as appropriate."

Art. 127: "... the examining magistrate shall inform the accused of his right immediately to select a lawyer and, failing such selection, shall appoint a lawyer for him if the accused so requests. An appropriate mention shall appear in the record.

The lawyer shall be entitled to be present when the magistrate examines the accused to determine his identity.

The examining magistrate shall expressly inform the accused of the acts imputed to him and advise him that it is open to him to remain silent. An appropriate mention shall be made in the record.

The examining magistrate must arrange for each accused person to undergo a medical examination by an approved doctor when he is requested to do so or when he finds evidence justifying such an examination.

The examining magistrate shall further advise ..." (the rest unchanged).

Art. 154: "... the duration of pre-trial detention shall not exceed two months. If, on the expiry of that period, continued pre-trial detention is thought necessary, the examining magistrate may, by a reasoned order and subject to a reasoned request from the crown procurator-general, prolong the detention.

Prolongations may not number more than five and shall be for the same period.

Should the examining magistrate not take any decision during that period to bring him before a criminal court, the accused shall be released forthwith and the investigation shall continue."

36. Act No. 67-90 amended article 2 of the Dahir promulgating Act 1.74.448 of 11 Ramadan 1394 (28 September 1974) on transitory measures as follows:

Art. 2: "... In cases of discovery in flagrante delicto as defined in article 58 of the Dahir referred to in article 1, the crown procurators-general or one of their deputies specially designated by them for the task shall, unless the established penalty is death or life imprisonment, question the accused as to his identity and examine him after informing him that he has the right immediately to select a lawyer. Failing such selection, a lawyer shall be appointed for him by the president of the criminal court.

The selected or appointed lawyer shall be entitled to be present during the above-mentioned examination. He shall also be entitled to freedom of communication with the accused and to consultation at the court of the record of the case.

If the case appears ready for trial, the above-mentioned procurators or deputies shall place the accused in pre-trial detention and bring him before the criminal chamber of the court of appeal not more than two weeks later.

If the case does not seem ready for trial, an investigation shall be instituted."

37. The above-mentioned Act also amended article 17 of the Dahir promulgating Act 1.72.15 of 27 Sha'ban 1392 (6 October 1972) establishing the special court of justice. The amended article reads as follows:

Art. 17: "... The public prosecutor's office shall examine the accused as to his identity and inform him that he has the right immediately to select a lawyer, failing which selection a lawyer will automatically be appointed for him by the president of the court.

The lawyer selected or appointed shall be entitled to be present during the above-mentioned examination. He shall also be entitled to freedom of communication with the accused and to consultation at the court of the record of the case.

The public prosecutor's office shall take the accused's statements concerning the acts imputed to him and shall place him under pre-trial detention, with an obligation to bring him before the court not more than two weeks later.

The accused shall be informed of the date and time of his appearance before the special court of justice, which may take place within 24 hours of the notification to him of the formal charges against him."

38. Act No. 67-90 also repealed the provisions of article 2 of Dahir 1-59-451 of 18 Rabi' II 1382 (18 September 1962).

39. Furthermore, in his speech on the occasion of the appointment of the members of the Advisory Council on Human Rights, His Majesty the King set out his royal guidelines and wishes for the work of that body. Thus he said, "Obviously citizens have rights, and even those who have been charged by the courts must be safe from hunger, disease and arbitrariness and are entitled to visits from their relatives and to medical care and attention when necessary. In addition, it is incumbent on the judicial authorities and the State to take every precaution to safeguard their dignity". With these guidelines in mind, the Advisory Council on Human Rights proposed, in a memorandum addressed to His Majesty the King on 18 February 1991, a number of measures designed to remedy shortcomings in the practice of police custody and pre-trial detention in particular.

40. The Advisory Council on Human Rights has also proposed that government procurators in courts of first instance should be requested to exercise their functions with respect to the supervision of criminal investigation officers and their assistants, particularly as regards orientation, monitoring and inspection of premises, that hierarchical and central inspection services should be strengthened so as to keep checks on criminal investigation officers, and that an autopsy should be ordered whenever a death occurs in police custody and proceedings should be instituted if there is evidence that the death occurred in suspicious circumstances. These measures, and others relating to conditions in prisons in particular, for whose application no statutory or regulatory instrument is required, are now in force.

Article 8: Prohibition of slavery

41. As a Muslim country, Morocco has always based its policy and action on the teachings of the Book of God, the Holy Koran, and on the tradition of His Prophet. Faithful to that tradition, Morocco has demonstrated constant attachment to respect for human rights, the first source whereof is the Holy Book, which ensures the preservation of the rights of groups and individuals and the upholding of morality and virtue: both Islam and the Sunna (tradition of the Prophet) teach that human beings have a common origin and are equal before their creator, and prohibit all forms of servitude in relation to human beings.

42. It should also be noted that among the international instruments ratified by Morocco are the Slavery Convention of 25 September 1926 as amended by the Protocol of 7 December 1953, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 7 September 1956, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1950 (Dahir No. 1.74.12 of 2 August 1974), ILO Convention (No. 29) concerning Forced Labour (Dahir No. 1.57.294 of 16 December 1957) and ILO Convention (No. 105) concerning the Abolition of Forced Labour (Royal Decree 097-66 of 22 October 1966). In addition, on 20 November 1989 Morocco signed the Convention on the Rights of the Child and the procedure for ratification of that instrument is in progress.

Article 9: Right to liberty and security of person

43. As explained in the second report (CCPR/C/42/Add.10, para. 50), the right to liberty and security of person is guaranteed by article 10 of the Constitution, which states that "No one may be arrested, detained or punished

except in the cases and in the manner prescribed by law". In Morocco this right is governed by the articles of the Code of Criminal Procedure concerning pre-trial detention, which article 152 of that Code describes as an "exceptional measure". Six articles of the Code have been amended by Act No. 67-90 referred to above. These articles include article 154, under which the duration of pre-trial detention has been reduced to two months renewable five times for the same period, subject to a reasoned decision, which is appealable. Beyond that time-limit, a detainee who has not been brought to trial must be released forthwith and the investigation will continue. Furthermore, pursuant to article 76, the practice of systematic issuance of a warrant of commitment in the event of discovery in flagrante delicto has been abandoned in favour of release on bail or personal surety.

Article 10: Rights of detainees and persons deprived of their liberty

44. Along with the updating of the Code of Criminal Procedure, top priority has been given to the upgrading of prison conditions. The Advisory Council on Human Rights has recommended in a memorandum the drafting of prison legislation and regulations that take into account the agreements and conventions ratified by Morocco and comply with the United Nations Standard Minimum Rules. It has also recommended that the crown procurator-general should be empowered to verify the conditions of imprisonment and that judges should be given a say in the execution of sentences. Those proposals have been approved and instructions have been issued for their implementation, which will entail revision of article 660 of the Code of Criminal Procedure and repeal of the Dahir of 26 April 1915 concerning prisons and the Dahir of 26 June 1930 concerning the prison service.

45. In the same memorandum, the Council made other specific proposals aimed at achieving full conformity between practice and law. Those proposals have been approved and most have been implemented. They included proposals to:

(a) Encourage procurators and examining magistrates to check regularly (at least once every three months) on prisoners, in accordance with article 660 of the Code of Criminal Procedure;

(b) Set up a supervisory commission in each prefecture or province to monitor prisoners' diet and ensure their safety, protection against illness, re-education, rehabilitation and proper reintegration, in compliance with article 661 of the Code of Criminal Procedure;

(c) Encourage procurators to refrain from systematically presenting persons under arrest and to give priority in the magistrates' courts to persons in pre-trial detention;

(d) Provide the Ministry of Justice with the means for the immediate construction of larger prisons;

(e) Seek alternatives to custodial penalties for certain offences and certain types of offender;

(f) Amend the criteria used by the Pardons Board with a view to widening eligibility for a royal pardon;

(g) Set up an integrated training department for senior prison officers within the National Institute for Judicial Studies as a preliminary step towards the establishment of an autonomous prison officers' school providing basic, further and specialized training;

(h) Set up institutions for the reintegration of prisoners into society after their release.

Article 11: Imprisonment for inability to fulfil a contractual obligation

46. The legal and practical provisions relating to article 11 of the International Covenant on Civil and Political Rights were described in paragraph 57 of the second periodic report (CCPR/C/42/Add.10). Those provisions are still in force and are in full compliance with the principle that no one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12: Liberty of movement and freedom to leave one's country and return to it

47. As indicated in the second periodic report (paras. 58-60), the Moroccan Constitution, through its article 9, guarantees all citizens "freedom of movement and establishment in all parts of the Kingdom". This right also applies to aliens who are lawfully present in the national territory. Moroccan nationals wishing to travel abroad are free to leave the national territory and return to it. To do so, they must be in possession of a valid passport and comply with the usual formalities.

Article 13: Prohibition of expulsion of aliens without legal safeguards

48. Morocco allows aliens complete freedom of entry, temporary stay, residence and departure from its territory. Entry, temporary stay and residence by aliens are subject, as in all other countries, to administrative formalities prescribed by legislation and regulations and failure to comply with those formalities may constitute ground for expulsion. Any alien whose presence constitutes a threat to public order or State security may be expelled by order of the Director-General of National Security. However, an appeal may be made against the order to the Directorate-General of National Security. Should the expulsion order be upheld, the person to whom it applies may, after exhausting all other remedies, institute annulment proceedings before the Administrative Chamber of the Supreme Court.

Article 14: Right to a fair and public trial

49. Under the Moroccan Constitution, all citizens are guaranteed equality before the law (art. 5) and penalization is only permitted if it is in accordance with the procedures prescribed by law. Moroccan law makes distinctions only in respect of personal status and succession. In all other areas, the same law applies to all.

50. Access to the courts of the Kingdom is open to all citizens and aliens under the same conditions. Hearings are public, unless a hearing is disturbed or there is a threat to public order or morality, in which case an order may be given for the proceedings to be held *in camera*. It must be mentioned in judicial decisions whether they have been given in open court or *in camera*.

51. The Moroccan Constitution also establishes, in chapter VII, the democratic principle of separation of the judicial, legislative and executive branches, and enshrines the independence and impartiality of the judiciary. The impartiality of the judiciary derives from the sovereign power of judgement vested in all magistrates, and the requirement that in all proceedings, especially criminal proceedings, they must take their decisions according to the best of their knowledge and belief.

52. While the principle of presumption of innocence is not explicitly stated in Morocco's criminal law, it is established in case law and guaranteed by article 10 of the Constitution, which provides that "no one may be arrested, detained or punished except in the cases and in the manner prescribed by law". All arrested or accused persons are always presumed innocent, even after appearing before the examining magistrate and irrespective of whether ordinary or in flagrante delicto proceedings have been brought against them. This presumption ceases only when a decision (or judgement) becomes irrevocable on the rejection of an application for judicial review or expiry of the time-limits for motions to vacate, appeals or applications for review.

53. In criminal cases, confessions alone are not enough and must be supported by evidence, testimony and confrontation during the trial. Judicial-police reports are deemed to be trustworthy unless proved otherwise, but do not have evidentiary value as defined in articles 291-293 of the code of Criminal Procedure. This Code provides that the accused must be explicitly informed of the charges brought against him and of his right to be defended by counsel of his choice. If he is unable to choose a defence lawyer, one is automatically appointed for him.

54. In order to guarantee citizens and resident aliens alike a sound and equitable system of justice, Morocco has established a judicial system consisting of communal and district courts, courts of first instance, courts of appeal and the Supreme Court (Dahir of 15 July 1974), the Special Court of Justice (Dahir of 6 October 1972), the Permanent Court of the Royal Armed Forces and the High Court (Dahir of 8 October 1977). The Supreme Court has supervisory control over the courts of appeal, which in turn have supervisory control over the courts of first instance.

55. Judicial remedies are available to all persons whose rights have been violated or who consider that their rights have been infringed. Judgements by courts of first instance on minor or correctional offences may be appealed in the correctional appeals division of the Court of Appeal, and application for review of its decisions may be made in the Supreme Court, which is the final court of appeal. Decisions in criminal cases by the criminal division of the Court of Appeal may also be appealed in the Supreme Court.

56. Furthermore, the Moroccan judicial system is based on the principle, laid down in the Constitution, of non-retroactivity of the law. The Criminal Code provides that "where a number of laws were in force between the time when the offence was committed and the time of the final judgement, the law whose provisions are the least strict shall be applied".

57. Several articles in the Criminal Code, inter alia articles 105, 106 and 107, provide for compensation, while book III of the same Code deals with crimes and offences against the rights and freedoms of citizens, such as abuses by officials in the performance of their duties. Compensation for

wrongful conviction is covered in article 620 of the Code of Criminal Procedure. Articles 61, 67, 78, 79 and 80 of the Code of Obligations and Contracts provide for compensation for obligations arising out of offences and negligence, in particular the liability of the State for wrongful acts committed by its agents in the performance of their duties. The Code of Obligations and Contracts also provides for compensation, treatment and rehabilitation of victims of illegal acts when their situation has resulted directly from such acts.

58. The above provisions have been complemented by Act No. 41-90 of 12 July 1991 establishing administrative courts in the various regions of the country. When operational, these courts will enhance the Kingdom's judicial system. They are a specialized category in the judiciary and will use a simplified procedure; they will also be gratis. Their purpose will be to make recourse to administrative law available to all and enable actions to be brought for abuse of authority or for loss or damage caused by the administrative services. The jurisdiction of these courts will also cover disputes with those services or administrative action which infringes citizens' rights in such matters as elections, expropriation or taxation. On 16 January 1992, the Government examined a draft enabling order for Act No. 41-90 which sets the number of these courts at seven and defines, in its annex, their territorial jurisdiction. This draft order also relates to the establishment of the general assembly of the administrative courts, and to their procedure, membership and competence. The Ministry of Justice is currently taking steps to recruit and train staff for these courts.

59. The military courts are special courts whose jurisdiction is limited to matters relating to State security, or questions such as possession of arms or dereliction of duty by members of the armed forces. These special courts abide in their proceedings by the provisions of the Criminal Code and the Code of Criminal Procedure which apply in ordinary law. Cases brought before them are prepared by military examining magistrates coming under the Ministry of Defence, but are presided over by judges coming under the Ministry of Justice.

60. In the prison service, constant changes are being made in order to comply with the minimum rules for the treatment of prisoners. New, spacious, well-ventilated prisons have been built to deal with the problem of overcrowding, and within prisons, workshops have been set up to facilitate the social rehabilitation of prisoners, who earn for their work there money that is paid to them on their release.

61. In November 1992 the Moroccan Government examined a bill to introduce a collegiate system in the courts of first instance. The bill provides for the ending of the system whereby a judgement is given by a single judge which was introduced during the 1974 law reform because of a growing case-load and a shortage of senior legal personnel.

62. As part of the policy of bringing courts closer to litigants, new courts were set up in 1991 in the various provinces of the Kingdom, including 5 appeal courts, 7 courts of first instance and 51 centres with resident judges. The necessary arrangements have also been made for the future establishment of administrative courts in the country's seven economic regions.

Article 15: Principle of non-retroactivity of the law

63. The provisions of article 15 are fully implemented in Morocco, for trials are conducted in compliance with the principle of the equality of all before the law, which is guaranteed by the Constitution and incorporated in the country's civil and criminal legislation, according to the procedures established by law and on the basis of the non-retroactivity of laws. Thus, article 4 of the Constitution provides, as indicated earlier, that "the law shall not have retroactive effect". This constitutional endorsement of the principle of non-retroactivity is reinforced by Morocco's Criminal Code, which states that "where a number of laws were in force between the time when the offence was committed and the time of the final judgement, the law whose provisions are the least strict shall be applied".

Article 16: Right to recognition as a person before the law

64. As indicated in the second periodic report (CCPR/C/42/Add.10, para. 64), Dahir No. 1-58-250 of 6 September 1958 enacting the Nationality Code recognizes and guarantees to Moroccans the enjoyment of all rights inherent in their nationality. Aliens resident in Morocco are subject to their own national laws in all matters relating to personal status and succession. Article 17 of the above-mentioned Code provides for a five-year waiting period before naturalized aliens may be appointed or elected to any public office for which Moroccan nationality is a requirement, nor may they vote or be included on the electoral roll. The last paragraph of that article, however, states that naturalized Moroccans may be released from all or some of these restrictions on capacity by dahir or by decree in cabinet, according to whether naturalization was granted by dahir or decree.

Article 17: Right to privacy

65. The right to privacy set forth in article 17 of the Covenant is protected in Morocco both by the Constitution and by the Code of Criminal Procedure. Article 10 of the Constitution states that "the domicile shall be inviolable. Searches or checks shall be made only under the conditions and in the manner prescribed by law". Article 11 states that "Correspondence shall be secret".

66. The Code of Criminal Procedure specifies the conditions under which searches may be carried out. Article 64 states that searches may only be made at the request of the head of the household or in response to calls for help coming from inside the house or in exceptional circumstances specified by law. Article 103 of the Code defines those exceptional circumstances: where a crime is concerned, it is the examining magistrate, accompanied by the crown prosecutor, who is empowered to conduct a search. Where offences other than crimes or offences discovered in flagrante delicto are concerned, power to search is vested in the judicial police acting under the authority of the examining magistrate or his deputy. Penalties for failure to respect those conditions are laid down in article 230 of the Criminal Code.

67. Article 232 of the Criminal Code sets penalties for arbitrary or unlawful interference by a public official with the secrecy of correspondence, while article 488 sets penalties for such interference by private persons.

Article 18: Freedom of thought, conscience and religion

68. As stated in paragraph 70 of the second periodic report (CCPR/C/42/Add.10), the provisions of article 18 of the Covenant relating to freedom of thought, conscience and religion are embodied in the Moroccan Constitution, article 6 of which provides that "Islam is the religion of the State, which shall guarantee freedom of worship to all". Although Islam is the official State religion, it enjoys respect for other religions and accords their followers the right to practise their faith fully, openly and freely (ibid., para. 71).

69. It should be recalled in this connection that Moroccan society, with its ancient Arab-Islamic culture, consists almost exclusively of Sunni Muslims. There are in the country some 23,400 mosques for the practice of the Muslim religion. Furthermore, there are about 17,500 Koranic schools; these are to be found in every province of the Kingdom and in them children are taught from a very early age the holy text of the Koran together with the rudiments of spelling Koranic verses and the Arabic language. These schools prepare pupils for entry to the "madrasas" (in the urban areas) and "zawiyas" (in the rural areas), whose origins go back to the twelfth century Almohades, and whose teaching is more developed and more diversified. The madrasas, which often spread beyond the national boundaries, especially in the thirteenth and fourteenth centuries under the Merinids, have always benefited from the patronage of successive dynasties in Morocco.

70. This teaching culminates in entry to the Qarawiyin University of Fès, one of the oldest and most renowned universities in the world, where the teaching covers a wide range of disciplines from the exegesis of the Koran and the Hadith to the natural sciences, including rhetoric, legal sciences, history, etc.

71. It should also be pointed out that the other revealed religions are practised freely and openly under the protection of the State. Morocco has for centuries had a large Jewish community living in cities such as Tanger, Sebta, Fès, Tetouan, Marrakech, Essaouira, Safi, Ouezzane and Meknès and in small towns such as Sefrou, Debdou, Demnate and Erfoud. The members of this community have at all times been considered to be full-fledged Moroccan citizens, and as such have enjoyed the protection and support of Moroccan sovereigns according to the Moroccan tradition of tolerance, generosity and hospitality. In this regard it should be recalled that, following the "Reconquista" of 1492, Jews expelled from Spain found refuge in Morocco, where a Jewish community was already established, and received a brotherly welcome on their arrival in Sebta and Tanger. In 1940, when the Vichy Government tried to impose anti-Jewish legislation in Morocco at the behest of the victorious Nazis, Morocco being under foreign occupation at the time, His Majesty Mohammed V, the then King of Morocco, refused categorically on the grounds that, in Morocco, Jews were Moroccan citizens and that there could be no question of singling them out. These and many other examples show clearly that Moroccan Jews not only practised and continue to practise their religion freely and openly in their synagogues, but also enjoy their rights in Morocco to the full. In this same spirit of tolerance characteristic of Islam, Christians worship freely without being subjected to any religious, racial or ethnic discrimination. The situation could not be otherwise, since the

Moroccan Criminal Code, in its articles 220, 221 and 223, protects freedom of religion and punishes any act which might impair the full enjoyment of that right.

72. Furthermore, there are no rules in Morocco which require an individual to declare his religion when applying for any post or taking part in any public activity.

Article 19: Freedom of opinion and expression

73. Since November 1958, Morocco's legislation on public freedoms has been progressive. This code guarantees freedom of opinion and expression to all citizens, and establishes their right to publish newspapers and magazines subject only to compliance with certain administrative formalities. In recent years, no party, individual or association has been prevented from producing publications. Furthermore, the Moroccan Constitution, adopted by referendum, guarantees in its article 9 freedom of opinion and freedom of expression in all its forms, as well as freedom of assembly and freedom to set up political and trade union organizations.

74. Due therefore to the pluralism of its political and trade union organizations Morocco has made great progress in terms of diversity. The number of press organs continues to increase and the right to bring out a new publication requires no formality beyond notifying the judicial authorities. Any citizen can publish a newspaper, whether it relates to politics, culture, art or sport or is of a professional nature, and there is no legal provision for censorship. In 1991, the number of publications in Morocco totalled 306, 182 of which were in Arabic and 124 in French, broken down as follows: 19 dailies, 48 weeklies, 59 monthlies, 17 fortnightlies, 16 quarterlies, 60 periodicals, 8 annuals and 79 irregular.

75. The national news agency Maghreb Arab Press, which has regional offices and 14 international offices (Morocco, Paris, Brussels, London, Washington, Mexico, Tunis, Cairo, Dakar, Jiddah, Bonn, Algiers, Rome and Moscow), disseminates some 15,000 words of information per day in Arabic, French, Spanish and English.

76. The national broadcasting service, with its nine regional stations, national and international services and programmes in local dialects, broadcasts over 110 hours of programmes per day, reaching 95 per cent of the population on long wave, 84 per cent on medium wave and 46.25 per cent on FM. A private broadcasting station has also been operating since 1980 and broadcasts in Arabic and French for 18 hours per day.

77. With regard to television, Morocco currently has one national service which reaches some 84 per cent of the population and broadcasts 12 hours of programmes per day; it also has a new private service which was launched in 1989.

78. It is therefore clear that the broad array of structures for political and trade union action is backed up by the full media support necessary to ensure freedom of expression, and that such media have full autonomy and in addition receive public subsidies which in no way encroach on their freedom or independence.

79. It is worthy of note that a press club was set up in Morocco on 25 May 1992 with a view to "strengthening the bonds between Moroccan journalists and their counterparts in the various national and international media, as well as with people working in the socio-economic, political and cultural spheres". A further objective of the club is to develop journalism in Morocco through training, further training and the technological and professional advancement of the press, and to work for "the defence of the freedom, dignity and prestige of the profession, and the strengthening of professional solidarity".

80. This right should not, however, be exercised at the expense of the reputation of others. For that reason the Press Code in its article 71, refers to legal proceedings for libel against individuals, and for libel or insults against the courts, tribunals, members of the Government, public officials, the police, etc.

81. In order to study the problems affecting the news, information and communications services, a national symposium (INFOCOM) was held from 29 to 31 March 1993 and was attended by representatives of all political, civil, trade union and cultural groups. The symposium was opened by the Prime Minister and chaired by Mr. Mohamed Yazghi, General Secretary of the Moroccan National Press Union and Deputy of the Opposition Party, the Socialist Union of Popular Forces. Political and trade union personalities of all persuasions, together with international personalities, took part in the symposium. The work was divided among four committees, each dealing with one of the major branches of the news, information and communications sectors: a legal affairs and ethics committee, a policy selection committee, a committee on communication institutions, and a committee on human resources and journalistic status.

82. Following important discussions within the various committees, the symposium adopted a number of recommendations which can be summed up as follows:

(a) The need to set up a press council consisting of representatives of the professional and technical staff in the communications field and of the various persuasions and sectors of society, elected bodies and relevant public institutions. This high-level body would play an advisory role in responsible and constructive discussions. It would also promote the development of the news and information sector and its democratization;

(b) The need to adapt national legislation to the relevant provisions of international covenants, conventions and standards;

(c) Amendment of the legislation in force with a view to bringing it into line with the provisions of the Constitution, particularly those approved recently as part of the constitutional revision of 4 September 1992;

(d) Establishment of a sound working environment for journalists which would strengthen their professional and material freedoms and guarantees;

(e) The establishment of an information code based on constitutional principles and repeal of all amendments to the Dahir of 1958 introducing the Press Law;

(f) The need to withdraw the executive's supervision of the public information media with a view to their democratization and independence;

(g) Definition of a national news, information and communications strategy based on freedom of expression and democratization of the media;

(h) Protection of journalists' rights and freedom as part of a sound professional and ethical attitude;

(i) Establishment of independent news agencies and need for financial independence of national radio and television;

(j) Drafting of laws governing and promoting investment in the press sector;

(k) Establishment of a sound communications infrastructure and a proper database in the news and information sector;

(l) Establishment of social institutions to support workers in the news and information sector and generalization of the system of collective wage agreements established in the trade union sector;

(m) Enhancement of training as a vital ingredient for the development of the news and information sector.

At the end of the symposium, a follow-up committee was set up and 15 November was declared National Information Day, following a recommendation by the King in his opening address.

Article 20: Prohibition of propaganda for war

83. As explained in paragraphs 78 and 79 of the second periodic report (CCPR/C/42/Add.10), propaganda for war and incitement to hatred in all its aspects are strictly prohibited by law and severe penalties are prescribed for the perpetrators of such acts.

Article 21: Right of peaceful assembly

84. As stated in paragraph 80 of the second periodic report, the right of assembly established in article 21 of the Covenant is guaranteed in Morocco by constitutional and legislative provisions. This freedom is guaranteed by article 9 of the Constitution and its exercise is regulated by Dahir No. 1-58-377 of 3 Jumada I 1378 (15 November 1958) relating to public assemblies, supplemented by a further Dahir of 10 April 1973.

Article 22: Freedom of association

85. Freedom of association is established in article 9 of the Constitution, which "guarantees to all citizens ... freedom of association and freedom to join a trade union or political organization of their choice". This right is governed by the Dahir of 15 November 1958, which provides that associations of persons can be formed freely provided that a simple declaration is made to the public prosecutor's office of the court of first instance and the local authority.

86. Furthermore, under article 3 of the Constitution, trade union organizations, like political parties, are associations which contribute to the organization and representation of citizens and are therefore represented in Parliament.

87. The Dahir of 16 July 1957 relating to occupational associations provides the legal framework for the exercise of trade union freedoms in Morocco. This Dahir is based on the following principles:

(a) The right of employees and employers to form occupational associations without discrimination;

(b) The right of employees and employers to set up occupational organizations completely freely and without prior authorization;

(c) The right to join an organization of one's choice;

(d) The right of employees to choose their representatives;

(e) The right of employees' and employers' occupational organizations to manage their affairs and arrange their work programmes;

(f) The right of occupational organizations to establish unions or federations;

(g) The right of these organizations to join international organizations.

88. In the light of the right of association and trade union freedoms established by national legislation, Morocco has ratified the following ILO Conventions:

Convention No. 11 concerning Rights of Association and Combination of Agricultural Workers and Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively.

89. It should be emphasized that, under freedom of association in Morocco, a number of trade unions have been set up, inter alia: the National Labour Union of Morocco, the Union of People's Trade Unions, the Union of Free Trade Unions, the General Moroccan Workers' Union, the Moroccan Labour Union and the Democratic Labour Confederation. Similarly, a number of employers' organizations have been set up, including the Moroccan Federation of Chambers of Commerce and Industry, the General Economic Confederation of Morocco, the Federation of Chambers of Agriculture and the Federation of Chambers of Craft Industries.

90. The occupational organizations which are the most representative of employees and employers participate at the international and regional levels in the activities of international and regional labour organizations and help promote well-balanced labour relations between wage-earners and employers as part of the policy of dialogue and consultation which is a steady feature of Morocco's social policy.

Article 23: Protection of the family

91. Family law in Morocco is based on the principles of the Islamic Shariah. The Moroccan Code of Personal Status (Dahir of 22 November 1957), which is based on the Maliki school of law, has established the traditional division of duties within the family, whereby the husband must pay the wife a dowry and meet household expenses, while the wife is responsible for running and organizing the home; responsibility for the care and education of the children is shared jointly between the spouses, while the wife retains total freedom to administer and dispose of her property without supervision by the husband. The right to marry and found a family is also established in this Code, which sets the marriageable age at 18 years for men and 15 years for women and provides for the full and free consent of the future spouses to the marriage.

92. Because the family is the fundamental group unit of society, it is given special consideration by the public authorities, the non-governmental organizations (NGOs) and the voluntary agencies, and occupies an important position in the country's social and economic development programmes. The purpose of this concerted action is to promote the standard of living of the individual members of the family and to ensure their economic, social and cultural welfare.

93. With regard to health for instance, as part of the national strategy for the advancement of women in Morocco up to the year 2000, the Minister of Health is promoting the implementation of preventive health-care programmes aimed at teaching women the basic principles of maternal and child health through immunization, hygiene, diet, environmental protection, medical consultations and family planning.

94. With regard to education, the Government aims to increase school attendance by women in both rural and urban areas. Their attendance rate is relatively low compared with the proportion of women in the population as a whole, with only 40 per cent of urban women and 20 per cent of rural women having attended school. According to forecasts, the overall rate of attendance by women will barely exceed 62 per cent by the year 2005.

95. For some years now, the Government has had a literacy policy for adults of both sexes, concentrating particularly on the urban areas, and in 1990 ran an ambitious literacy programme for 255,000 people, 50 per cent of them women. In 1991 and 1992, 400,000 people benefited from the adult literacy programme, of which a large proportion were rural women. The annual number of beneficiaries will be kept at 200,000 for the next few years in accordance with the guidelines contained in the King's message of 8 January 1990.

96. As far as employment is concerned, the authorities have concentrated their efforts on a policy of vocational training and work experience with a view to improving women's integration in the development process and promoting their emancipation. The modest proportion of women in the various sectors of economic activity has only been slightly redressed, as the active female population which stood at 12 per cent in 1985 rose to 14 per cent by 1987 and will not be more than 19 per cent by 2005 according to current forecasts.

97. With regard to protection of the elderly, the Government is implementing social projects for this category of the population, which includes sheltered accommodation, for example, and gives special consideration to widowed or

divorced women who are approaching senior-citizen age by setting up workshops where they can learn skills which will provide them with a regular income. This largely involves readjustment, support, training and reintegration. The law on social protection for disabled persons, passed in December 1991, will be supported by measures relating to every aspect of their lives.

98. Public efforts are backed and strengthened by the work of the NGOs via the many national agencies dedicated to promoting the status of women.

99. As part of a preventive medicine and child nutrition strategy, the Minister of Public Health monitors child nutrition and infectious diseases. A large-scale, nationwide immunization campaign was carried out in 1987, reaching 1,808,214 children under the age of 5, 1,245,235 of whom were fully vaccinated. One of the main objectives of this campaign was to give anti-tetanus vaccination to women of child-bearing age. A campaign against diarrhoeal diseases was also carried out during the summer of 1988 with the aim of promoting the use of oral rehydration salts to combat these diseases, which account for 33.1 per cent of infant mortality. Other immunization campaigns were carried out at the end of 1988 and in the spring of 1989, reaching 1 million children and 1 million women of child-bearing age. Similar campaigns were organized in 1990, 1991 and 1992. The 1992 campaign was focused on the countryside, and especially on areas difficult to reach. This was made possible by strengthening the mobile teams and improving their programme planning. During the same campaign, the national immunization programme decided to introduce a supplementary poliomyelitis vaccination for children under five years of age and efforts were made to provide as many women as possible with neonatal tetanus vaccination. At the end of these five years of sustained effort, the incidence of the six targeted diseases (whooping cough, measles, diphtheria, poliomyelitis, tetanus and tuberculosis) was markedly lower, with zero ratings for poliomyelitis and diphtheria.

Table 1

	1987	1988	1989	1990	1991
Whooping cough	1 078	113	62	64	56
Measles	26 621	2 306	1 720	1 359	2 125
Diphtheria	7	1	0	0	0
Poliomyelitis	9	0	2	0	0
Tetanus	189	124	90	56	75
Tuberculosis	27 159	23 029	26 756	27 658	-

100. Morocco now has a national family charter and a programme of action prepared and adopted by the National Family Commission, consisting of representatives of the ministerial departments involved, NGOs, academics and researchers. The work of this Commission has been undertaken as part of the International Year of the Family.

Article 24: Protection of children

101. It should be recalled that His Majesty King Hassan II signed the World Declaration and Plan of Action on the Survival, Protection and Development of Children in the 1990s in New York on 3 February 1992. The signing of the Declaration was followed by the preparation of a national plan of action in favour of children in the 1990s. Under Moroccan law, children are by definition incapable by reason of youth (art. 137 of the Dahir enacting the Code of Personal Status and Succession of 22 November 1957). They are thus subject to parental authority, unless they have been emancipated. Children below age 12 are under a statutory disability to engage in business transactions and are de jure regarded as not being capable of discernment. They therefore have no capacity to exercise their civil rights (art. 133 of the Code) or to administer their assets. A breach of this rule invalidates any business transactions of a minor incapable of discernment (art. 138 of the Code). Such administration is entrusted on behalf of the child and for his account to his guardian under the supervision of the cadi. According to the provisions of article 138 of the Code, a minor who has reached the age of 12 is regarded as being capable of discernment and he may therefore be authorized to perform certain legal acts.

102. With a view to the protection of children, Morocco has ratified a number of multilateral instruments. It signed the 1990 Convention on the Rights of the Child and ratified ILO Abolition of Forced Labour Convention No. 105 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. These and many other instruments have been incorporated into internal law in accordance with the procedures provided for in the Constitution and are being implemented by means of legislative texts and regulations. Violations of the provisions of the law, including the Labour Code, the Civil Code, the Commercial Code and the Family Code, are punishable under the Criminal Code.

103. Moroccan labour legislation prohibits the employment of minors under age 12 and establishes a link between the legal capacity of the contracting parties and the validity of the work contract (art. 725 of the Code of Obligations and Contracts). Article 724 of that Code deals with the requirement that assistance for minors must be provided by the person under whose authority they are placed.

104. Development plans also contain measures in favour of young persons and children which are designed to ensure their development by promoting a healthy life in a balanced family environment based on Arab-Muslim values prohibiting any harm or injury to the personality of young people and children and which are generally designed to eliminate socio-economic conditions that may tend to expose young people and children to crime, prostitution and drugs. Action of this kind is being carried out by the Government authorities and national associations, as well as by the Moroccan League for the Protection of Children and Health Education, presided over by Princess Lalla Amina, the Moroccan UNICEF Association, presided over by Princess Lalla Myriam, the Moroccan Association of SOS Children's Villages, the Moroccan Association for Assistance to Sick Children, the Alawite Association for the Protection of the Blind and charitable associations in all parts of the Kingdom that take care of children who are separated from their family environment.

105. Abandoned children receive the same protection and are taken care of in conditions similar to those offered in the family environment in two pilot SOS villages in Al Hoceima (northern Morocco) and Ait Ourir (Marrakech region). A third village is to be established in Casablanca.

106. It should also be pointed out that the Dahir of 24 Shawwal 1333 (4 September 1915) relating to civil status provides that all children must be registered immediately after their birth and be given a name. With regard to abandoned children, article 467 of the 1962 Criminal Code punishes any abandonment of a child. The registration of abandoned newborns at the registry office is provided for in Circular No. 2 bis SGG/AG2 issued by the Secretary-General of the Government on 8 May 1962. The circular states that, when the mother is known, the child's first name must be followed by the mother's name; when the mother is not known, the child does not receive the name of the person who has assumed responsibility for him, since adoption is not allowed in Muslim law. The person who has taken the child in chooses a last name and a first name for him which are declared to the registry official. The document registering the child or excerpts from it do not use the expression "unknown father and mother" or any other similar term.

107. As far as the nationality of children is concerned, the Dahir of 21 Safar 1378 (6 September 1958) concerning the Code of Nationality provides that a child born of a Moroccan father automatically acquires Moroccan nationality. By the same token, a child whose mother is Moroccan enjoys Moroccan nationality. The only case where a child born of a Moroccan mother does not automatically have Moroccan nationality is that where the child is born of a Moroccan mother and an alien father outside of Morocco. Such a child may acquire Moroccan nationality through naturalization.

Article 25: Right to take part in the conduct of public affairs

108. According to the principles embodied in title I of the Moroccan Constitution, Morocco is a constitutional, democratic and social monarchy in which sovereignty is vested in the nation, which exercises it directly by way of referendum or indirectly through constitutional institutions, and in which political parties, trade unions, communal councils and professional associations contribute to the organization and representation of citizens. The provisions of the Constitution governing the organization and functioning of the House of Representatives, as well as the laws and rules applicable to the institutions set up in connection with territorial administration, are intended to guarantee the participation of citizens in the conduct of public affairs on the basis of equality, diversity, alternating tenure of office and dialogue.

109. Local democracy occupies a very important place in Morocco's political options, and the establishment of a decentralized administration, which began in 1960, has gradually been consolidated on the basis of a realistic and pragmatic approach. This was recently recalled by the Head of State in his opening statement to the Fifth National Symposium of Local Authorities (April 1992) in which he said that: "True democracy is local democracy. Without it there can be no national democracy characterized by seriousness, respect and commitment."

110. Communal organization is provided for in the Dahir of 30 September 1976 (Charter of the Communes), which guarantees the genuine and effective

participation of citizens in the conduct of public affairs. The Charter focuses on the commune as the basic decentralized unit with a council whose members of both sexes are elected by direct universal suffrage for six years and which elects a president from among its members. The council meets four times a year in ordinary session and takes its decisions by absolute majority; its powers relate to the conduct of the commune's economic and social affairs and, according to the above-mentioned Dahir, its president is vested with administrative policing powers that were entrusted in the past to the representatives of the central Government.

111. The communes have substantial human and financial resources (from local taxes, VAT and State subsidies) enabling them to carry out their task in the best possible conditions. Their administrative staff is specially trained in management methods for territorial administration; it increased from 33,000 employees in 1977 to 102,000 in 1991. Sound and durable financial resources are also made available. The communes' budget, which amounted to 800 million dirhams in 1976, rose to 6,377 million dirhams in 1989, i.e. an increase of 700 per cent in 15 years. The communes also benefit from Government assistance in the form of concessional loans intended for the financing of development projects which are beyond their financial means, particularly in infrastructure and equipment. The communes and the Government have cooperated in the implementation of the national rural electrification programme (1,800 centres identified). As a result of this long-term programme, 286 villages were electrified for the benefit of 400,000 inhabitants between 1980 and 1986. Another project supplied drinking water to 700 rural villages for the benefit of 700,000 inhabitants throughout the country.

112. The provincial and prefectural assemblies established by the Dahir of 23 September 1963 and the economic regions set up by the Dahir of 12 June 1971 offer another organized structure for dialogue and democracy in which the representatives of the population and the business sector work together to promote regional development. This participatory democracy, which is characterized by shared decision-making power, offers guarantees of broader freedoms and the consolidation of Moroccan civilian society.

113. In the exercise of their individual and collective freedoms, citizens take part in professional, cultural, scientific and artistic associations, whose impressive number keeps increasing, thereby helping to consolidate the democratic process.

114. The results of the decentralization policy to which the National Symposia of Local Authorities have made a major contribution have been very positive. However, in order to adapt this experience to the new situation in the country, where there has been a population explosion that has accentuated the rural exodus, and with a view to communal elections, the new apportionment of communal constituencies, agreed on in cooperation with the National Election Monitoring Commission, increased the number of communal councils to 1,544 (247 municipalities and 1,297 rural communes).

115. The House of Representatives is another important democratic forum that reflects different national sensitivities; it is also a meeting place for the various political and social groups in the country. Two thirds of its members

are elected by direct universal suffrage and one third are elected by an electoral college composed of communal council members and representatives of professional associations and wage-earners.

116. With a view to local, professional and national elections, the House of Representatives adopted two election bills on 26 May 1992. The first bill, which amends article 137 of the Code of Personal Status, lowers the age of majority from 21 to 20 years; granting the right to vote at age 20 thus enables some 600,000 new voters to take part in the election process and raises the number of voters in Morocco to 13 million, mostly young people. The second bill relates to the establishment of electoral rolls, the punishment of election fraud and the organization of electoral operations. The law on the establishment and revision of general electoral rolls and the organization of elections to urban and rural councils combines the provisions of several texts, particularly the Dahir of 27 Safar 1379 (1 September 1959) on the election of communal councils and the rules relating to elections and the Dahir of 19 March 1977 on the establishment of communal electoral rolls.

117. This law was the subject of a wide-ranging debate in the parliamentary Justice and Legislation Commission which led the political parties not belonging to the Government to request royal arbitration on points of disagreement with the majority parties. To comply with this request, a commission composed of the leaders of all political parties represented in the House of Representatives, as well as the Minister of Justice, the Minister of the Interior and Information, the Secretary-General of the Government and an adviser to His Majesty the King, met on 1 May 1992 under the chairmanship of His Majesty the King and subsequently held many meetings chaired by the King's adviser to reach a national consensus on questions relating to the organization of elections and guarantees that they take place properly and in accordance with the law. As a result of the commission's work and the royal arbitration, solutions were adopted to guarantee honest and authentic electoral operations and to ensure equality of opportunity for all candidates and all political parties:

(a) Public financing of election campaigns;

(b) Equal access of candidates and parties to radio and television;

(c) Establishment of new electoral rolls;

(d) Administrative and judicial guarantees relating to registration on electoral rolls;

(e) Monitoring of voting, including counting of votes and the announcement of the results, to ensure compliance with the law;

(f) Systematic punishment of election fraud.

118. In accordance with the royal letter addressed on 18 May 1992 to the leaders of the political parties represented in Parliament, the age of eligibility has been lowered from 25 to 23 years, the chairmanship of the administrative commissions has been entrusted to elected representatives who will exercise this function under the central authority concerned and the uninominal system continues to be in force.

119. The election law adopted by the House of Representatives thus further strengthens democratic achievements:

(a) By combining texts on elections in a single law that has been amended and improved;

(b) By strengthening guarantees, together with penalties at all levels, to ensure transparency, honesty and authenticity in electoral operations from the time of registration on electoral rolls to the announcement of the results;

(c) By establishing conditions to guarantee equality of opportunity for all candidates and parties;

(d) By lowering the voting age and the age of eligibility to allow massive participation by young people in the conduct of the country's affairs;

(e) By means of the rational and balanced distribution of the "Government function of organizing elections of local representatives as the symbol of democracy and decentralization, and of local authorities who represent the Government", in accordance with the principles of the continuity and organization of the civil service.

120. It should also be noted that, in the opening statement at the Fifth National Symposium of Local Authorities, held at Rabat in April 1992, the head of State urged young people to take part in elections, telling them: "You can no longer stay out of political life. My aim is not to urge you to join a particular party. What I want is for you to mobilize. In our view, political mobilization means joining a party because, according to the Constitution, there cannot be a single party. Young people who join parties because they believe in them will swell the ranks of the Moroccan civilian army that will conquer the twenty-first century."

121. Communal elections were held on 16 October 1992 throughout the national territory. All necessary measures were taken to provide legal and political guarantees of free, honest and credible elections, in accordance with the wish often expressed by His Majesty the King. New electoral rolls were established, a national commission and regional commissions chaired by judges and entrusted with the task of guaranteeing free and fair pre-electoral and electoral operations were set up, and decrees and decisions on the financing of the campaigns of political parties on radio and television were adopted. The official media were made available to the political parties taking part in the elections to enable them freely to express their ideas and present their platforms without any restriction, and the Government adopted a 6 billion centime budget for the public financing of the election campaigns of the political parties taking part in the elections.

122. This general framework created a climate designed to encourage broad participation in the elections by political parties and citizens. Candidates belonging to 11 political parties, in addition to candidates without any political affiliation, stood in these elections. They numbered 93,388, i.e. a national average of over 4.3 candidates for each of the 22,282 electoral districts. Compared to the average number of candidates in the 1976 and 1983 communal elections, i.e. 3.19 and 3.49 candidates per district, respectively, the current average reflects a remarkable increase in view of the substantial

rise in the number of districts following the latest electoral apportionment. Moroccan women showed a particular interest in these elections, since 1,086 of them stood as candidates, as against 76 in 1976 and 307 in 1983. This trend is proof of the increasingly active role Moroccan women are playing in the political, economic and social life of the country.

123. The voter participation rate of 74 per cent is another positive development which shows that citizens are aware of their responsibilities and that they intend to fulfil their duty by exercising their political rights and, in particular, the right to vote. The elections were held in an atmosphere of transparency and impartiality, with respect for equality of opportunity for all candidates and political parties. Of 2,400 actions for annulment brought before the courts, fewer than 10 were filed against representatives of the administration. This is a sign of non-interference by the administrative apparatus in the holding of elections, especially as authority in Morocco is represented by more than 400 higher officials.

124. The election results were as follows:

Number of registrations: 11,513,809
Number of voters: 8,593,682
Participation rate: 74.64 per cent

Table 2

Distribution of elected representatives by party and by sex

Party	Men	Women	Total
National Independents' Group (RNI)	4 812	17	4 829
Constitutional Union (UC)	2 986	6	2 992
Istiqlal Party (PI)	2 785	11	2 796
Popular Movement (MP)	2 660	7	2 667
National Popular Movement (MNP)	2 271	4	2 275
National Democratic Party (PND)	1 699	5	1 704
Socialist Union of Popular Forces (USFP)	1 548	17	1 565
Progress and Socialism Party (PPS)	182	2	184
Independent Democratic Party (PDI)	83	...	83
Action Party (PA)	28	...	28
Democratic and Constitutional Popular Movement (MPDC)	3	...	3
Without political affiliation	3 103	8	3 111
TOTAL	22 160	77	22 237

125. These elections were followed by the elections to the professional organizations held on 25 October 1992.

126. On 25 June 1993, Morocco took a decisive step in the consolidation of democracy and the rule of law by organizing legislative elections intended to elect two thirds of the members of the House of Representatives (Parliament), i.e. 222 deputies, by direct universal suffrage. The remaining third, i.e. 111 representatives, is to be elected by indirect suffrage and 69 of those seats are reserved for members of the communal councils. The others are divided up among the professional organizations and wage-earners' representatives as follows: 15 seats for agricultural organizations; 10 seats for chambers of commerce and industry; 7 seats for craftsmens' organizations; and 10 seats for wage-earners' representatives. It should be noted that the Dahir containing the organizational act dated 27 April 1993 on the composition and election of the House of Representatives increased the number of deputies to 333, as against 306 in the preceding legislature.

127. Various legislative, regulatory and administrative measures were taken to ensure that the elections took place transparently and honestly. The computerization of the electoral rolls made it possible to eliminate 113,000 double registrations, i.e. 60,000 registrations too many, representing 1 per cent of all persons registered. New voters' cards meeting higher standards of security were issued. Moreover 60 new commissions were set up at the prefectural and provincial levels to monitor the use of funds and influence-peddling, thus bringing to 120 the number of local commissions, which are all presided over by judges and include representatives of political parties, the authorities and an examining magistrate. On average, there is one commission for every two electoral districts.

128. The political parties in the running benefited from broad coverage of their election campaigns by public and private audiovisual media. They also received subsidies from the Government for the financing of their campaigns. The total amount earmarked for this purpose was 10 billion centimes. Half of this sum was shared equally between the political parties, with the other half to be paid to each party depending on its results in the elections of 25 June 1993.

129. There were 2,042 candidates in these elections, as against 1,333 in 1984. There were 36 women candidates, bringing the total number to 2,078. The overall rate of coverage of the 222 districts yields a national average of 9.33 candidates per district. Although candidates are designated mainly through appointment by political parties, some candidates without political affiliation stood in these elections in 37 prefectures and provinces. There were also six Jewish candidates. Sixty per cent of the candidates have university degrees. Teachers are in the lead with 446 persons, followed by civil servants with 334 candidates and company directors and administrators in third place with 283 candidates. The other candidates are professionals (217), farmers (153), members of the liberal professions (100), engineers (73) and journalists (33). With regard to the age of candidates, 7 are between 23 and 25, and are mostly students; 201 are between 26 and 34; 852 are between 35 and 44; 681 are between 45 and 54; and 301 are over 55.

130. The main characteristics of the election campaign were the fundamental role played by Moroccan public radio and television and by the second private channel in the dissemination of the parties' platforms and the fact that relatively few large meetings were held, although they had played a mobilizing role in earlier election campaigns. During the election campaign, 2,000 meetings were organized and attended by an estimated 1 million persons. There

were also direct contacts between candidates and citizens, particularly in small meetings held at the homes of candidates and their supporters. The media coverage of the election campaign was designed to make voters more aware of the political and constitutional stakes and to disseminate information on the political parties' election platforms. Thus, the parties represented in the outgoing Parliament each had five hours' air time on radio and television. The parties which were not represented had access to the broadcasting media for 10 to 20 minutes. The press also played a major role in this campaign. It had a circulation figure of between 750,000 and 1 million copies every day.

131. The results of the voting were as follows:

Number of persons registered:	11,398,987
Number of persons voting:	7,153,211
Participation rate:	63 per cent
Void ballots:	930,993
Votes cast:	6,222,218

Table 3

Number of seats per party

Party	Number of seats in 1993	Number of seats in the 1984 Parliament
Socialist Union of Popular Forces (USFP)	48	36
Istiqlal Party (PI)	43	41
Popular Movement (MP)	33	47
Constitutional Union (UC)	27	83
National Democratic Party (PND)	14	24
National Independents' Union (RNI)	28	61
National Popular Movement (MNP) 1/	14	...
Progress and Socialism Party (PPS)	6	2
Independent Democratic Party (PDI) 2/	3	...
Democratic and Popular Action Organization (OADP)	2	1
Action Party (PA) 2/	2	...
Without political affiliation	2	
TOTAL	222	

1/ Party established in 1991.

2/ Parties not represented in the 1984 Parliament.

For the first time, two women were elected and will become members of Parliament.

Table 4

Distribution of elected representatives by profession

Profession	Percentage
Teachers	25.23
Tradesmen	17.57
Liberal professions	16.67
Farmers	13.51
Civil servants	11.71
Other	9.91
Self-employed	5.41

Table 5

Distribution by level of education

Education	Percentage
Primary	12.16
Secondary	27.57
Higher	60.81

132. The results of the voting confirm the success of the two main opposition parties, the Istiqlal Party and USFP, which with the help of combined candidacies, won 43 and 48 seats, respectively, thus leading the outgoing majority parties, the Popular Movement, the National Independents' Union and the Constitutional Union. The results these parties achieved will redraw the political map of the country, thus paving the way for a changeover, and they prove that the voting took place in conditions of transparency characterized by pluralism, freedom of expression and respect for the free choice of the voters.

Article 26: Prohibition of discrimination

133. The equality of all persons before the law and equal protection of the law are legally embodied in the Moroccan Constitution and protected by legislative and administrative provisions. Article 5 of the Constitution states that "All Moroccans are equal before the law" and article 12 provides that "All citizens shall have access to the public service and to public employment under the same conditions". Article 8 of the Constitution reads: "Men and women shall enjoy equal political rights. All citizens of either sex who are of full age and in possession of their civil and political rights shall be entitled to vote".

134. Access to the country's courts is available to all citizens without distinction of any kind. Aliens, whether or not they have settled in Moroccan territory, have free access to the judicial bodies on the same footing of

equality as Moroccans. Moreover, Islam, which is the religion of the Moroccan State as provided for in the Constitution, requires respect for the physical and moral integrity of the individual and gives pride of place to the values that ought to govern society on the basis of tolerance and coexistence, without distinction as to the political affiliation, religious beliefs or ethnic or social origin of the persons forming part of society. Moroccan law also prohibits any propaganda for war and severely penalizes incitement to national, racial or religious hatred.

135. Morocco has ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Political Rights of Women and has signed the Convention on the Rights of the Child, which was ratified in June 1993.

Article 27: Rights of minorities

136. In Moroccan society, with its Arab-Islamic culture, there is no problem of ethnic, religious, cultural or linguistic minorities. The Moroccan legal system, of which Islam is one of the main pillars, regards the exercise of freedom of worship as one of the basic rights of the individual in society and not as a basis for determining a person's personality and the nature of the rights to which he is entitled, since there is no difference between Moroccans, whatever their religion. There is also no requirement that minority religions in Morocco must isolate themselves and stay on the fringes of the society in which they operate. No customary or legal obstacle prevents foreigners living in Morocco from practising their religion without hindrance. The concept of "minority" thus exists in Morocco only to the extent that Islam is the religion of the majority of the population; this situation has absolutely no effect on rights and obligations. There is consequently no need to adopt regulations to protect freedom of worship, since it is not under threat.